



Town of Barnstable Licensing Authority

367 Main Street, Hyannis, MA 02601

www.town.barnstable.ma.us

Telephone: 508-862-4674 Fax: 508-778-2412



Meeting Minutes

TOWN CLERK CLOCKED ON 09 12 22

The regularly scheduled Barnstable Licensing Authority Public Meeting was called to order at approximately 9:30a.m. on **Monday, August 8, 2022** and was held at Barnstable Town Hall, 367 Main Street, James H. Crocker Jr. Hearing Room – 2nd Floor, Hyannis.

Members Present: Vice Chair, David Nunheimer, Clerk, Larry Decker; Nancy Karlson-Lidman; John Flores (Associate)

Members Absent: Chair, Martin Hoxie; David Hirsch

Staff Present: Licensing Director, Liz Hartsgrove; Consumer Affairs Officer, Chris Kelsey; Licensing Assistant, Erin Logan

With Chair Hoxie absent, Vice Chair, David Nunheimer was the Acting Chair for the purposes of this meeting.

Public Comment - *There was no public comment made.*

SHOW CAUSE HEARING

1. In accordance with MGL c.138 and MGL c.140, the Barnstable Licensing Authority will hold Show Cause Hearing to consider the modification, suspension or revocation of the Annual All Alcohol Common Victualler license and Live Entertainment License for Oceanside Restaurant Group, LLC d/b/a **Harborview Restaurant and Bar**, 235 Ocean Street, Hyannis for the following violations MGL c.138 §77: failure to operate a licensed business.

Vice Chair Nunheimer advised that staff and the Authority were notified of the closure of Harborview Restaurant and Bar. Attorney Jeff Ford is present and is counsel for the owner of the property. Ford advised that he has been working with Licensing staff for 6 months regarding the tenant.

Director Hartsgrove confirmed that the current license holder was notified of the meeting. Adding that it is clear the business is no longer in operation.

Nunheimer expressed concern that the licensee was holding up the property owner from moving forward with utilizing the space.

FINDINGS

Vice Chair Nunheimer stated the following finding of facts:

1. **Oceanside LLC issued a Common Victualler All Alcohol license**
2. **The licensed business has not been opened.**
3. **The certified letter was returned without being signed.**

4. *The website indicates the business is no longer operating.*

MOTION: *To move the Licensing Authority accept the findings as stated by Vice Chair Nunheimer*

Motion by: *Larry Decker* **Seconded by:** *Nancy Karlson-Lidman* **Vote:** *Yea – 4 | Nay – 0*

VERDICT

MOTION: *To move the Licensing Authority determine if the licensee is guilty or not guilty of violating MGL Ch 138. §77*

Motion by: *Larry Decker* **Seconded by:** *Nancy Karlson-Lidman* **Vote:** *Not Guilty –0 | Guilty - 4*

ACTION

MOTION: *To move the Licensing Authority cancel the license and any fees that have been paid will be forfeited.*

Motion by: *Larry Decker* **Seconded by:** *Nancy Karlson-Lidman* **Vote:** *Yea – 4 | Nay – 0*

NEW APPLICATIONS

1. Special One Day License – Entertainment Only – RETRO APPROVAL

Application made by New Life Ministries International, to hold “**Praiz Fest 2022**”, a Gospel Concert held at Barnstable Performing Arts Center on July 24, 2022 from 7PM to 11PM. Entertainment to include live, amplified, music/singing.

With the applicant absent, Vice Chair Nunheimer advised this was a retro approval.

MOTION: *To move the Licensing Authority approve the application as submitted.*

Motion by: *Larry Decker* **Seconded by:** *Nancy Karlson-Lidman* **Vote:** *Yea – 4 | Nay – 0*

2. Special One Day License – Beer & Wine

Application made by Barnstable Comedy Club, to hold “**100th Anniversary**”, a celebration including music, food, beer, wine, and a silent auction held at Barnstable Comedy Club, 3171 Main Street, Barnstable on August 20, 2022 from 5PM to 10PM.

Application represented by Lloyd George. Mr. George was applying for a one day license for beer and wine. He has a current TIPS certification and will be pouring.

MOTION: *To move the Licensing Authority approve the application as submitted.*

Motion by: *Larry Decker* **Seconded by:** *Nancy Karlson-Lidman* **Vote:** *Yea – 4 | Nay – 0*

PUBLIC HEARINGS

1. New Lodging House

Everest 599 Rathbun St, LLC d/b/a **Everest 599 Rathbun St, LLC**, 511 Ocean Street, Hyannis for a new Lodging House License for 4 rooms/4 lodgers as approved by the Building Commissioner.

Application represented by Attorney Mark Boudreau. Boudreau advised the new owner wish to take over a rooming house with the same tenants. The owners have experience with rental in Western

Massachusetts. Decker confirmed with Boudreau that the new owner does live off site. Director Hartsgrove noted that the Building Commissioner has required the following restrictions:

- (1) The owner or his representative live on the premises as required.
- (2) Obtain annual Certificates of Inspection from the Building Division.
- (3) The property is only used as a lodging house and not for short term tenancy (less than 30 days) without obtaining all necessary building permits and zoning approvals.

MOTION: To move the Licensing Authority approve the application subject to the restrictions as noted.

Motion by: Larry Decker Seconded by: Nancy Karlson-Lidman Vote: Yea – 4 | Nay - 0

EXTENDED CLOSURE REQUEST

1. Correspondence submitted by Attorney David Lawler on behalf of his client, **Cotuit Beer & Wine Inc.**, requesting approval for an extended closure period with regards to their Package Store Wine & Malt License.

Attorney David Lawler was present on behalf of his client, Cotuit Beer & Wine (CBW). He informed the board that CBW have not opened or completed renovations as approved. At this time the plan is to sell the license to the tenants for the same cost it was purchased for. Decker confirmed with Lawler that the tenants will lease the entire premise though they may be proposed changes to the layout. Officer Kelsey advised he had stopped in on several occasions. He spoke with the tenant and they confirmed the plan to move forward with purchasing the license. He added that the tenants are members of the community and that they been licensed in Mashpee and have an established license with the Alcoholic Beverages Control Commission.

Vice Chair Nunheimer continued this matter until the September 12, 2022 Licensing Authority hearing. Attorney Lawler expressed his inability to attend the September meeting but will submit a letter regarding the status of the sale of the license.

CONSENT AGENDA

3. **Renewal - Special One Day License – All Alcohol & Entertainment**
Application made by Cape Cod Young Professionals, to hold the “**Back to Business Bash**”, an annual networking event at Cape Cod Gateway Airport on September 22, 2022 from 5PM to 8PM. Liquor, Beer, and Wine, will be served by Cape Cod Beer, Hog Island, Truro Vineyards and Cape Cod Package Store. All Individuals serving alcohol will be TIPS certified. An Airport Police Officer will be on duty for the event. Entertainment to include live, amplified, musicians.
4. **Renewal - Special One Day License – Beer, Wine, & Entertainment – RETRO APPROVAL**
Application made by Historical Society of Santuit & Cotuit, to hold “**Taste of Cotuit**”, an annual fundraising event held at 1148 Main Street, Cotuit on July 16, 2022 from 6PM to 8PM. Beer & Wine will be served by Steve Hemberger; current TIPS certification is on file. Entertainment to include live performing arts – folk duo.

5. **Renewal - Special One Day License – All Alcohol**

Application made by Hyannis Yacht Club, to hold “**Hyannis Yacht Club Dock Party**”, an annual fundraising event held on the dock at 490 Ocean Street, Hyannis on August 13, 2022 from 6PM to 10PM. Alcohol to be served by Hyannis Yacht Club; holders of an annual on-premise pouring license.

Nunheimer noted that the Airport event will need to request a separate police detail. Officer Kelsey mentioned that the application noted there is an airport police officer on duty however his attention should be on the airport not the event. Kelsey advised that a police officer separate of the airport duty police officer should be requested.

Hartsgrove noted the Yacht club license extends to the patio outside of the club but not on the dock. She continued by noting this was a temporary expansion of premise.

MOTION: To move the Licensing Authority approves the consent agenda as submitted and adding that a separate police detail will be requested for the event at Cape Cod Gateway airport.

Motion by: Larry Decker Seconded by: Nancy Karlson-Lidman Vote: Yea – 4 | Nay - 0

APPROVAL OF MINUTES July 11, 2022

MOTION: To move the Licensing Authority approve the July 11, 2022 minutes as written.

Motion by: Larry Decker Seconded by: Nancy Karlson-Lidman Vote: Yea – 4 | Nay - 0

LICENSING UPDATES

1. Licensing Authority – *Director Hartsgrove advised that the September 12th meeting will be in person. Also a reminder that Town Council is working on updating their strategic plan. Once complete, Licensing staff will work with the Licensing Authority on goals.*
2. Licensing Department – *Nothing at this time.*
3. Police Department – *Officer Kelsey has been busy this summer with checks of several restaurants and bars. The responses have been mixed and some warnings have been issued but nothing egregious. Officer Kelsey added that most of the businesses had their paperwork in order. He closed by adding they will continue checks through the fall and winter.*

Adjourn

MOTION: To move that the Licensing Authority adjourn the meeting at 10:08 am.

Motion by: Larry Decker Seconded by: Nancy Karlson-Lidman Vote: Yea – 4 | Nay - 0

Respectfully submitted,

Erin Logan

Erin Logan
Town of Barnstable Licensing Assistant

Larry Decker

Larry Decker, Clerk
Town of Barnstable Licensing Authority

Minutes approved at the September 12, 2022 Licensing Authority Meeting.